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LETTER DATED 24 JANUARY 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to enclose herewith the text of three documents signed by H.E. Mr. Imamali Rakhmonov, President of the Republic of Tajikistan, and H.E. Mr. Abdollah Nuri, Leader of the United Tajik Opposition, in the presence of the Special Representative of the Secretary-General of the United Nations, at Mashhad, Islamic Republic of Iran, on 21 February 1997.

It would be appreciated if the text of the present letter and its annexes could be circulated as a document of the Security Council.

(Signed) Majid TAKHT-RAVANCHI
Ambassador
Chargé d'affaires a.i.

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Annex I

[Original: Russian]

Statute of the Commission on National Reconciliation

I. GENERAL PROVISIONS

1. The President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, guided by the highest interests of the peoples of Tajikistan for the purpose of achieving a stable peace and national accord in the country, have adopted a political decision to establish a Commission on National Reconciliation (hereinafter referred to as the Commission), signing an Agreement and a Protocol in Moscow on 23 December 1996.

2. The purview of the Commission includes the whole range of problems associated with national reconciliation. Its tasks shall be to implement the agreements reached in the course of the inter-Tajik talks, to promote the creation of an atmosphere of trust and mutual forgiveness and to institute a broad dialogue among the various political forces in the country with a view to restoring and strengthening civil accord in Tajikistan.

3. The Commission is a temporary body, established for the transition period. It shall cease its activity after the convening of the new Parliament and the formation of its leadership structures. The Commission on National Reconciliation shall begin its work two weeks after the signing of the Protocols on military and political issues.

II. COMPOSITION OF THE COMMISSION AND PROCEDURAL ASPECTS OF ITS ACTIVITY

4. The members of the Commission shall be appointed on a basis of parity by the Government of the Republic of Tajikistan and the United Tajik Opposition. The Commission shall comprise 26 members. It shall be headed by a Chairman, a representative of the United Tajik Opposition, who shall have one deputy, a representative of the Government of the Republic of Tajikistan (the individual membership of the Commission shall be announced 10 days before the Commission starts work). The leaders and members of the Commission shall work full-time, and may not be removed by the parties, except in circumstances which make it impossible for them to discharge their duties.

5. The Commission shall comprise four subcommissions:

(a) On political issues;

(b) On military issues;

(c) On refugee issues;

(d) On legal issues.

The Commission shall have the right where necessary to disband or combine subcommissions or establish new ones. Each subcommission shall elect its chairman, with two subcommissions being headed by representatives of the Government and two by representatives of the United Tajik Opposition. The Commission shall where necessary create working bodies - expert groups, a press service and others. The joint commissions established in the course of the inter-Tajik talks shall become working bodies of the Commission.

6. The quorum for meetings of the Commission shall be two thirds of its membership. Substantive issues shall be decided by consensus. Should this method prove inconclusive after 10 meetings, the procedure for deciding on the substantive issue shall thereafter be taken by the Chairman of the Commission. Procedural issues shall be decided by simple majority. Decisions adopted by the Chairman and the Commission on issues of national reconciliation shall be binding on the authorities.

III. FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall have the following functions and powers:

Devising a monitoring mechanism and monitoring compliance by the parties with the agreements on the establishment of peace and national accord in the country jointly with the other organs established for that purpose;

Implementing measures for the safe and appropriate return of the refugees and their active involvement in the social, political and economic life of the country, and provision of assistance in reconstruction of the housing and industrial and agricultural facilities destroyed by the war;

Developing proposals for amending the legislation on the functioning of political parties and movements and the mass media.

During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:

Submission to a nationwide referendum of proposals for amendments and additions to the existing Constitution;

Preparation and submission for approval by Parliament, and if necessary also by a nationwide referendum, of a new law on elections to Parliament and the local representative bodies;

Establishment for the transition period of a Central Electoral Commission on the Elections and the Conduct of the Referendum;

Reform of the Government - inclusion of representatives of the opposition (UTO) in the structures of executive authority (members of the government),

including ministries, departments, local authorities, judicial bodies and law enforcement agencies, taking the regional principle into account;

Guidance and monitoring of the disbandment, disarming and reintegration of the armed units of the opposition armed forces and conduct of activities to reform the authorities responsible for the maintenance of law and order and the agencies of the Office of the Public Prosecutor;

Monitoring of the conduct of a full exchange of prisoners of war and other prisoners and the release of forcibly detained persons;

Adoption of a Reciprocal Pardon Act and drafting of an Amnesty Act to be adopted by the Parliament and the Commission on National Reconciliation;

Submission for consideration by Parliament of proposals regarding the date for the holding of elections to a new professional Parliament, to be monitored by the United Nations and the Organization for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

IV. GUARANTEES OF SECURITY

8. The members of the Commission shall possess immunity. The Government of the Republic of Tajikistan and the United Tajik Opposition guarantee the security and immunity of members of the Commission in the discharge of their duties and in their free time. The members of the Commission may not be detained, arrested or tried for actions committed prior to their appointment to the Commission or for actions in connection with the discharge of their duties. The Government of the Republic of Tajikistan guarantees the inviolability of the office and residential accommodation in which the members of the Commission and their families will work and live.

In order to ensure the security of members of the Commission and their families, a special unit with a strength of up to 80 personnel comprising representatives of the Government and UTO, on a basis of parity, shall be established by the Government within the Ministry of Security.

V. LOCATION OF THE COMMISSION

9. The Commission shall be located in the capital of the Republic, Dushanbe.

VI. MATERIAL AND TECHNICAL SUPPORT FOR THE WORK OF THE COMMISSION

10. Expenses associated with the maintenance and work of the Commission (salaries, communications, transportation) shall be financed out of the State budget, special provision being made for this purpose.

VII. PROCEDURE FOR PUBLICIZING THE WORK OF THE COMMISSION

11. For purposes of facilitating the process of national reconciliation and creating an atmosphere of trust and mutual understanding, the press service of the Commission shall conduct press conferences and briefings and issue press releases and bulletins. The mass media of the Government of the Republic of Tajikistan and the United Tajik Opposition shall regularly publicize the work of the Commission.

VIII. THE ROLE OF THE UNITED NATIONS AND OSCE IN PROMOTING THE WORK OF THE COMMISSION

12. In accordance with the Protocol signed in Moscow on 23 December 1996 by the President of the Republic of Tajikistan and the leader of the United Tajik Opposition, the work of the Commission shall be conducted in close cooperation with the United Nations Observer Mission and the OSCE Mission in Tajikistan. The Special Representative of the Secretary-General of the United Nations and the United Nations Observer Mission in Tajikistan shall render advisory assistance to the work of the Commission, and also such other assistance as may be provided for in its possible future mandates. Decisions of the Commission on issues related to the activity of the United Nations Observer Mission in Tajikistan shall be taken in consultation with the Special Representative of the Secretary-General.

(Signed) E. RAKHMONOV
President of the Republic
of Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik
Opposition

(Signed) G. MERREM
Special Representative of the
Secretary-General of the
United Nations

Annex II

[Original: Russian]

Additional Protocol to the Protocol on the main functions and powers of the Commission on National Reconciliation

In the light of the problems which have arisen in the negotiations, and in order to ensure that the Commission on National Reconciliation starts to function as quickly as possible, the President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition (UTO), S. A. Nuri, following their meeting in Mashhad in the Islamic Republic of Iran on 20 and 21 February 1997, have decided as follows:

1. The words "in proportion to the representation of the parties in the Commission on National Reconciliation" shall be omitted from the paragraph dealing with reform of the Government in the Protocol on the main functions and powers of the Commission on National Reconciliation dated 23 December 1996 (page 2).

2. Thirty per cent of positions in executive structures, including ministries, departments, local authorities, and judicial bodies and law-enforcement agencies, shall be assigned to representatives of UTO, the regional principle being taken into account.

3. The phrase "development of a mechanism for converting the military-political movements into political parties" in the Protocol on the main functions and powers of the Commission on National Reconciliation dated 23 December 1996 shall be deemed null and void from the date of signing of the Protocol on Military Issues, since this matter will be discussed under the heading of military issues.

Mashhad

21 February 1997

(Signed) E. S. RAKHMONOV
President of the Republic
of Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik
Opposition

(Signed) G. D. MERREM
Special Representative of the
Secretary-General of the
United Nations

Annex III

[Original: English]

Joint communiqué, issued at Mashhad, Islamic Republic of Iran, on 21 February 1997

We, Imamali Rakhmonov, the President of the Republic of Tajikistan, and Seyed Abdollah Nuri, Leader of the United Tajik Opposition, met in the city of Mashhad, Islamic Republic of Iran, on 20 and 21 February 1997 and discussed various issues relating to recent incidents in our country, Tajikistan. Following the signing of the Moscow Agreement and the establishment of the Commission on National Reconciliation, we came to realize that the enemies of peace and stability in Tajikistan are striving to impede its implementation. For, regrettably, there still exist individuals whose interests are served more in war than in peace. Taking the representatives of international organizations, government employees, members of the opposition and correspondents hostage as well as acts of terrorism carried out by the Rezvan Sodirov Group are instances of such reprehensible acts which have damaged the credibility of our State, nation and Government. In the light of the fact that no individual or group should violate the inalienable rights of human beings, we condemn such acts.

Today, once again we address ourselves to the world and to our own nation and hereby announce that the Government of Tajikistan and the United Tajik Opposition condemn the hostage taking and terrorism in whatever form it is manifested, and undertake to do our utmost to prevent the recurrence of such acts that may impede the efforts of the Commission on National Reconciliation. We hope that the Commission on National Reconciliation, along with the President and all government officials of Tajikistan, would soon restore the country to the conditions we wish for and that the independent Republic of Tajikistan would gain fame as one of the peace-loving countries. We invite all our dear compatriots, irrespective of their political views, to gain a clear understanding of our efforts in this respect and to assist us wholeheartedly.

Imamali RAKHMONOV
President
Republic of Tajikistan

Seyed Abdollah NURI
Leader
United Tajik Opposition